

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, MARCH 25, 2015  
9:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LIHU'E, KAUA'I, HAWAII 96766

RECEIVED

'15 MAR 19 A9:13

A. MEETING CALLED TO ORDER.

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. February 25, 2015 Council Meeting

E. CONSENT CALENDAR:

1. C 2015-86      Communication (02/13/2015) from the Deputy Director of Finance, transmitting for Council information, the 2015 Real Property Assessment List of the County of Kaua'i pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended. *(2015 Real Property Assessment List on file in the County Clerk's Office.)*
2. C 2015-87      Communication (02/27/2015) from the Acting Director of Finance, transmitting for Council information, the Period 5 and 6 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of December 31, 2014, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015. *(Copies of the Period 5 and 6 Financial Reports as of December 31, 2014 on file in the County Clerk's Office.)*

3. C 2015-88      Communication (03/02/2015) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing the Filing of the Kaua'i County 2015 Action Plan (HOME Investment Partnerships Program) with the Department of Housing and Urban Development, United States of America, for a Grant Under Title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. ***(See Resolution No. 2015-27)***
4. C 2015-89      Communication (03/02/2015) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing the Filing of the Kaua'i County 2015 Action Plan (Community Development Block Grant) with the Department of Housing and Urban Development, United States of America, for a Grant Under Title I of the Housing and Community Development Act of 1974 and 1987 (Public Laws 93-383 and 100-242), As Amended. ***(See Resolution No. 2015-28)***
5. C 2015-90      Communication (03/05/2015) from Council Chair Rapozo, transmitting for Council consideration and confirmation, Council appointee Charlotte L. Ho'omanawanui to the Kaua'i Historic Preservation Review Commission (At-Large) for the County of Kaua'i –Term ending 12/31/2017. ***(See Resolution No. 2015-29)***
6. C2015-91      Communication (03/06/2015) from the Acting Director of Finance, transmitting for Council information, the Period 7 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2014-2015. ***(Copies of the Period 7 Financial Reports as of January 31, 2015 on file in the County Clerk's Office.)***
7. C 2015-92      Communication (03/09/2015) from Councilmember Kualii, transmitting for Council consideration, a Resolution Appointing a Representative and Alternate to the Executive Committee of the Hawai'i State Association of Counties (HSAC) and Nominating a Representative to Serve as a Director on the National Association of Counties (NACo) Board of Directors, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties. ***(See Resolution No. 2015-30)***

8. C 2015-93      Communication (03/09/2015) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:
1. Cost Control Commission
    - Tricia-Lynn K. Yamashita – Term ending 12/31/2017
  2. Fire Commission
    - Mari L. Yokoi – Term ending 12/31/2017
  3. Planning Commission
    - Kimo M. Keawe (*Environment*) – Term ending 12/31/2017
    - Thomas P. Contrades (*Labor*) – Term ending 12/31/2017
  4. Police Commission
    - Savita Agarwal – Term ending 12/31/2017
- (See Resolution No. 2015-31, Resolution No. 2015-32, Resolution No. 2015-33, Resolution No. 2015-34, and Resolution No. 2015-35)*
9. C 2015-94      Communication (03/10/2015) from Council Vice Chair Kagawa, transmitting for Council consideration, a Proposed Draft Bill for an Ordinance relating to Real Property Taxes. The purpose of this Bill is to reinstate the Credit Union Exemption which would exempt credit unions from paying real property taxes in excess of three hundred dollars (\$300). *(See Proposed Draft Bill (No. 2584))*
10. C 2015-95      Communication (03/10/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2015-74 (Grove Farm Right of Entry Agreement).
11. C 2015-96      Communication (03/13/2015) from the Mayor, transmitting his Fiscal Year 2015-2016 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees. *(Detailed Line Item Budget on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2582) and Proposed Draft Bill (No. 2583), including the proposed Fiscal Year 2015-2016 Real Property Tax Rate Resolution No. 2015-26)*

- 12.C 2015-97      Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council information, supplemental property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit and Very Low Income tax relief measure enacted by the Kaua'i County Council, based on the Real Property Assessment Certification for Fiscal Year 2016 factored with the existing real property tax rates.
- 13.C 2015-98      Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, Natural Resources Preservation Fund to establish a "floor" appropriation minimum of one-half of one percent (0.5%), as stated in the Kaua'i County Charter, of the annual certified Real Property Tax revenues appropriated to the Fund. *(See Proposed Draft Bill (No. 2585))*
- 14.C 2015-99      Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council consideration, proposed increases of one-half of one cent (\$0.005) to the Motor Vehicle Weight Tax rates as outlined below:
1. Effective January 1, 2016
    - One-half of one cent (\$0.005) per pound for passenger vehicles.
  2. Effective January 1, 2017
    - One-half of one cent (\$0.005) per pound for passenger vehicles.
    - One-half of one cent (\$0.005) per pound for freight vehicles.
- (See Proposed Draft Bill (No. 2586))*
- 15.C 2015-100      Communication (03/13/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to the Comprehensive Economic Development Strategies (CEDS) – Keiki to Career Workforce Readiness appropriation in the Office of Economic Development, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as she is on the Leadership Council for the Keiki to Career – Workforce Readiness initiative.
- 16.C 2015-101      Communication (03/13/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to the Boys & Girls Club appropriation in the Department of Parks & Recreation – Kaua'i War Memorial Convention Hall, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as she is on the Kaua'i Advisory Board for the Boys & Girls Club of Hawai'i.

- 17.C 2015-102      Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the Grove Farm (Puhi Metals Recycling) Liabilities appropriation in the Department of Finance – administration and 800 MHZ radio Site lease: Grove Farm appropriation in the Civil Defense Agency, Fiscal Year 2015-2016 Mayor’s Operating Budget Submittal, as he is a Project Specialist employed by Grove farm Company, Inc.
- 18.C 2015-103      Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the East Kaua’i Soil & Water Conservation District appropriation in the Department of Public Works, Fiscal Year 2015-2016 Mayor’s Operating Budget Submittal, as he is a Director for this organization.
- 19.C 2015-104      Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the Kaua’i Economic Development Board (KEDB) – Food & Agriculture Program appropriation in the Office of Economic Development, Fiscal Year 2015-2016 Mayor’s Operating Budget Submittal, as he is a committee member on the KEDB Food & Agriculture Committee.
- 20.C 2015-105      Communication (03/13/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, relating to the YWCA – Family Violence Center and YWCA – Sexual Assault treatment Program appropriations in the Office of Economic Development, Fiscal Year 2015-2016 Mayor’s Operating Budget Submittal, as he is the Director of Operations for this organization.

#### F. COMMUNICATIONS:

1. C 2015-106      Communication (03/06/2015) from the Fire Chief, requesting Council approval to receive and expend the recurring Volunteer Fire Assistance Grant No. 14-DG-11052012-122 in the amount of \$18,750, which provides federal financial, technical, and other assistance to organize, train, and equip fire departments in rural areas to prevent and suppress fires.
2. C 2015-107      Communication (03/10/2015) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify, and expend an additional allocation from an existing annual grant award from Federal Transit Administration (FTA) Section 5311 funds provided to the County of Kaua’i in the amount of \$1,000,000, for operational and capital expenses.

3. C 2015-108      Communication (03/12/2015) from the County Engineer, requesting Council approval to apply for, receive, expend, and indemnify the State of Hawai'i, Department of Transportation for State Planning and Research Program (SPR) funding for the following:
1. The first grant will be used for a Bus Stop Pedestrian Access study to develop concept plans and establish priorities for Americans with Disabilities Act (ADA) compliant and safe pedestrian access to bus stops. The project will cost two hundred thousand dollars (\$200,000), and the SPR funding request is for one hundred sixty thousand dollars (\$160,000).
  2. The second grant will be used for plans, and Environmental Documents / Clearances / Cost Estimates relating to the Westside Shared Use Path Phase I. The project will cost two hundred fifty thousand dollars (\$250,000), and the SPR funding request is for two hundred thousand dollars (\$200,000).

#### G. COMMITTEE REPORTS:

##### 1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2015-04:** on COW 2015-01      Communication (02/02/2015) from Councilmember Hooser, requesting the presence of the District Engineer, State Department of Transportation (DOT) – Kaua'i District, to provide an update on the DOT's pending highway projects. This briefing shall include the four-lane widening project on Kūhiō Highway 56 in Kapa'a and other highway mitigation plans for the Kapa'a / Wailua corridor, including the four-lane expansion in the area fronting Coco Palms. **[Received for the Record.]**
- b. **CR-COW 2015-05:** on Bill No. 2579      A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR **[Approved.]**

H. RESOLUTIONS:

1. Resolution No. 2015-26 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 FOR THE COUNTY OF KAUAI

2. Resolution No. 2015-27 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2015 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

3. Resolution No. 2015-28 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2015 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

4. Resolution No. 2015-29 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Charlotte L. Ho'omanawanui – At-Large*)

5. Resolution No. 2015-30 – RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND NOMINATING A REPRESENTATIVE TO SERVE AS A BOARD OF DIRECTOR FOR THE NATIONAL ASSOCIATION OF COUNTIES

6. Resolution No. 2015-31 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Tricia-Lynn K. Yamashita*)

7. Resolution No. 2015-32 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Mari L. Yokoi*)

8. Resolution No. 2015-33 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Kimo M. Keawe – Environmental*)

9. Resolution No. 2015-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Thomas P. Contrades – Labor*)

10. Resolution No. 2015-35 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Savita Agarwal*)

I. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2582) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 Operating Budget*)

2. Proposed Draft Bill (No. 2583) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 CIP Budget*)

3. Proposed Draft Bill (No. 2584) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Re-instate Credit Union Exemption*)

4. Proposed Draft Bill (No. 2585) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

5. Proposed Draft Bill (No. 2586) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX

J. BILL FOR SECOND READING:

1. Bill No. 2579 – A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR (*See also CR-COW 2015-05; the Committee of the Whole recommended approval on second and final reading.*)

K. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)



1. ES-783 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding Association of Apartment Owners of Kulana vs. Travelers Casualty and Surety Company of America; County of Kaua'i (Civil No. 12-0027) and related Cross-claims and Counterclaims. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-784 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the status of claims filed against the County of Kaua'i. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-785 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding the claim filed against the County of Kaua'i by Darryl D. Perry, Chief of Police. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

M. NOTES: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

\*TO VIEW MEETINGS, MEETING ARCHIVES, OR TO DOWNLOAD/ACCESS AGENDA ATTACHMENTS, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).